MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, APRIL 10, 2003
7:00 PM

CITY COUNCIL CHAMBERS, OLD CITY HALL
2134 MARTIN LUTHER KING JUNIOR WAY
BERKELEY, CALIFORNIA 94704

CONSENT CALENDAR PROCEDURES

Due to the length of the Zoning Adjustments Board agenda, a Consent Calendar will be used to Approve certain types of applications at one time. The Consent Calendar is divided into two parts:

Consent Calendar I
Routine business such as modifications of use permits which are not subject to a public hearing and items proposed for continuance. (Please note that items proposed for continuance to a date certain will not be re-noticed by mail or posting on site.)

Consent Calendar II
Public hearings on use permits and variances that are apparently non-controversial, on which no adverse comment has been received, and on which the Zoning Officer recommends approval.

The Chairperson of the Board will announce the items on the Consent Calendar at 7:05 p.m. Anyone present who wishes to speak on an item should raise his or her hand and advise the Chairperson, and the item will be pulled. Any applicant, member of the audience, or Zoning Adjustments Boardmember may require that a Consent Calendar II item be removed from the Calendar for discussion and testimony. Items pulled from the Consent Calendar will be heard following Continued Items.

PUBLIC TESTIMONY PROCEDURES

The Board may limit the number of speakers and the length of time allowed to each speaker. Persons Wishing to offer testimony are encouraged to submit their comments in writing. You may also submit comments by E-mail at zab@ci.berkeley.ca.us. If you want to speak at a public hearing, you must turn in a speaker card by 7:15 p.m. on the night of the hearing. Cards may also be submitted at the Zoning Counter at 2120 Milvia Street prior to 5 p.m. on the day of the hearing.

Note: Please refrain from wearing scented products to public meetings.
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AGENDA

Roll Call: 7:07 PM

Public Comment: 7:07 PM

Consent Calendar I

1. **830 BANCROFT WAY**
   Request by Carl Kress & Elizabeth Beringer to modify Use Permit #A1463 change use in classroom zoned school/residential into counseling office and to change use in kitchen into counseling office – MOD #03-70000006 (Lucy Armentrout-Ma)
   PSA Action Date: 04-29-03
   Continued From: None
   **Board Action: Approved – 9-0-0**

2. **2422 FIFTH STREET**
   Request by John Ware for a one-year extension to demolish a two-story residential structure and construct a dwelling unit above parking and a separate two-story structure for office-warehouse use – MOD #03-70000014 (Lucy Armentrout-Ma)
   PSA Action Date: 05-23-03
   Continued From: None
   **Board Action: Approved – 9-0-0**

Consent Calendar II

3. **2548 BANCROFT WAY**
   Request by Sandy Boyd to modify Use Permit #01-70000042 to restaurant hours of operation from 9:00 AM to 10:00 PM, Sunday through Friday and from 9:00 AM to 11:00 PM on Saturday to 9:00 AM to Midnight, daily – UP #01-70000042 (Carole Kajita)
   PSA Action Date: 04-10-03
   Continued From: 03-27-03
   **Board Action: Approved with modified conditions – 9-0-0**

4. **1164 LAUREL STREET**
   Request by Ravi Anand to construct a new single-family residence and to retroactively approve the demolition of a house – UP#02-10000004 (Hector Lopez)
   PSA Action Date: 04-22-03
   Continued From: 03-27-03
   **Board Action: Approved 9-0-0**
Continued Hearing

5.  **2025 CHANNING WAY**

   Request by Grace Chizar for a Use Permit #02-10000031 to construct a residential building with 30 dwellings for a total of 15,502 square feet, 4-stories plus a basement with a height of 38 feet on a 9,230 square foot lot. A total of 14 parking spaces and 6,219 square feet of open space are proposed.

   - Use Permit under Section 23D.40.070.C to exceed the height limit by 3 feet (38 feet proposed, 35 feet allowed) and number of floors by one-story (four stories proposed, three stories allowed).
   - Variance from Section 23D.40.070.E under Section 23C.12.050 and Government Code Section 65915 to increase the lot coverage from the allowed 35% to the proposed 48%.
   - Use Permit under Section 23E.04.020C to allow an elevator tower to exceed the maximum height limit of the District by 12 feet (47 feet proposed, 35 feet allowed).

   PSA Action Date: 05-12-03
   Continued From: 02-27-03; 03-13&27-03
   Board Action: Approved with added conditions – 9-0-0

Appeal of Administrative Use Permit

NOTE: Appeals of Administrative Use Permit are not subject to public testimony and no public testimony will be taken at this time. The Board can choose to set the matter for public hearing or affirm the decision of the Zoning Officer to grant the permit.

6.  **1325 SPRUCE STREET**

   Appeal of Administrative Use Permit #02-20000100 to construct a deck over an existing garage, including the extension of a legally non-conforming side yard setback at the garage (Hector Lopez)

   PSA Action Date: None
   Continued From: None
   Board Action: Referred to mediation and Set for Public Hearing on 05-08-03 – 8-1-0 (Allen – No)

New Hearing

None
7. Administrative Use Permits Approved by the Zoning Officer

1518 Alcatraz Ave  2127 Bonar St  1001 Channing Way
1546 Dwight Way  2336 Marin Ave  683 Neilson St
1831 Parker St

8. Information/Communication

A. Correspondence received regarding 749 Contra Costa Avenue

9. Business Meeting

10. Chair’s Report

11. Current Business/Committee Appointments

12. Future Agenda Items

A. Pending Zoning Hearings
B. City Council Appeals List

13. Other Matters

Adjourn: 8:07 PM

Legal Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board to approve or deny a permit or variance for a project, the following requirements and restrictions apply:

1. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Current Planning Division in writing to receive a Notice of Decision when it is completed.
Legal Notice Concerning Your Legal Rights – Continued:

2. Pursuant to Code of Civil Procedure, Section 1094.6(b), no lawsuit challenging a City Council decision to deny a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.

3. Pursuant to Government Code, Section 65009(c)(5), no lawsuit challenging a City Council decision to approve (with or without conditions) a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.

4. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:

   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Communication Access

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call the Current Planning Division at 981-7410 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.